Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of DELETE, DELETE, DELETE	GN Docket 25-133

COMMENTS OF THE HIGH-FREQUENCY PARTIES

These comments concern portions of Subpart F of Part 73 of the Commission's Rules governing radio stations in the high-frequency (HF) spectrum[1]. These rules impose unnecessary burdens, inhibit normal business and raise unwarranted barriers to entry.

The Public Notice in this proceeding, DA 25-219, states, "The Communications Act directs the FCC to regularly review its rules to identify and eliminate those that are unnecessary in light of current circumstances." While the rules in Subpart F have been amended from time to time, we are aware of *no comprehensive review* of these rules since they were established in the 1940s.

Rule § 73.788(a) Service; commercial or sponsored programs.

This rule prohibits programs "solely intended for and directed to an audience in the continental United States", effectively forbidding domestic HF broadcasting.

The prohibition conflicts with 47 U.S.C. § 326, which withholds from the FCC "the power of censorship over the radio communications or signals transmitted by any radio station, and *no regulation or condition* shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication." *(Emphasis* added.)

The prohibition also conflicts with the President's Executive Order 14149, *Restoring Freedom of Speech and Ending Federal Censorship.*[2] Section 2(b) of this Order ensures

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[1] Rule § 73.701(a) identifies this spectrum between 5900 and 26100 kHz.

[2] https://www.whitehouse.gov/presidential-actions/2025/01/restoring-freedom-of-speech-and-ending-federal-censorship/

"that no Federal Government officer, employee, or agent engages in or facilitates any conduct that would unconstitutionally abridge the free speech of any American citizen[.]"

Section 3 of the Order provides that "No Federal department, agency, entity, officer, employee, or agent may act or use any Federal resources in a manner contrary to section 2 of this order."

Accordingly, § 73.788(a) must be deleted. Other rules in Subpart F may need conforming edits, for example to ensure that the Commission will process applications for stations whose sole target zones are within U.S. territory as identified in Rule § 73.703; and the definition in § 73.701(a) that describes these stations in international terms only.

§ 73.788(b) Service; commercial or sponsored programs.

This rule imposes lengthy requirements concerning "culture", world's fairs, resorts and spas and the like.

The rule drastically limits the content of advertising or promotion – permitting the broadcaster to utter "no more" than a sponsor's name and a few vague details – and requires ascertainment of foreign market conditions. To our knowledge the FCC has never requested such market research data from licensees.

These provisions represent burdensome governmental control over broadcast content. Accordingly, § 73.788(b) should be deleted.

§ 73.751 Operating power.

This rule requires minimum carrier power of 50 kW for DSB (AM) modulation; a minimum Peak Envelope Power of 50 kW if single-sideband is used, and minimum mean power of 10 kW if digital modulation is used.

Besides requiring costly and often unnecessary investment in high-power facilities and energy consumption, the rule is inconsistent with longstanding FCC policy that stations should use only the minimum power needed to achieve the desired communication.[3]

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[3] *See* for example, § 97.313(a), Transmitter power standards.

Modern techniques such as Shortwave Radiogram[4] can obviate the need for high-power broadcasting, utilizing coding and processing rather than transmission power to overcome noise, interference and propagation impairments.

Accordingly, the minimum required power should be drastically reduced or eliminated.

§ 73.781 Logs.

This rule directs stations to keep program and station identification logs, which requirements have long since been abandoned in all other areas of US broadcasting.

AM/FM/TV stations must keep logs limited to critical matters such as tower illumination and the Emergency Alert System.[5]

Besides such technical entries, § 73.781 requires HF stations to keep records of station IDs and detailed descriptions of "music", "drama", "speech", program titles and timings, languages and sponsors' names.

Mandating documentation of these routine and utilitarian items serves no substantive federal purpose. The rule should be limited to the AM/FM/TV requirements or be deleted.

Respectfully,

THE HIGH-FREQUENCY PARTIES

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[4] Developed at the Voice of America, Shortwave Radiogram applies free, open-source technology to robustly broadcast text and imagery from unmodified AM transmitters. *See* swradiogram.net.

[5] § 73.1820 Station log.